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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,607	11/28/2000	David White	088305-0122	5792

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EXAMINER

SNAPP, SANDRA S


ART UNIT

PAPER NUMBER

3624

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/722,607	<b>Applicant(s)</b> WHITE ET AL.	
	<b>Examiner</b> Sandra Snapp	<b>Art Unit</b> 3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This Office Action is in response to the Amendment filed on 7-14-04. Currently, claims 1-28 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

The rejection of claims 1-26 and 28 as being indefinite is herein withdrawn in view of the Amendment submitted 7-14-04.

With regard to claim 27, the rejection is herein repeated and made final. Claim 27 is indefinite because the phrase "a score" in line 3 is confusing with the composite score, since the composite score is also calculated according to values entered. Clarification is required.

#### ***Claim Rejections - 35 USC § 101***

The rejection of claims 1-28 as being directed to non-statutory subject matter is herein withdrawn in view of the Amendment submitted 7-14-04.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-28 are herein finally rejected under 35 U.S.C. 103(a) as unpatentable over the Odom et al. patent (US 6,058,379) in view of the Ben-Meir et al. patent application (US 2003/0014326).

The Odom patent discloses a method, and associated computer system, for conducting an auction for a sponsor, comprising:

Receiving bid information, at an auction system computer, for computing respective composite scores for respective bids submitted to the auction (col. 5, lines 25-45), the score computation information for computing a composite score comprising:

a selection of a plurality of categories as evaluation criteria for the bid (col. 5, lines 25-45), setting of parameters for each of the selected categories (col. 5, lines 25-45), a weight specified for each of the selected categories (col. 5, lines 25-45), receiving a bid from one or more participants (col. 6, lines 27-55), calculating a weighted value for each one of the selected categories based on the parameters and weight for each of the selected categories and the bid information (col. 6, lines 27-55), determining the composite score for each received bid based on the weighted values for each of the selected categories (col. 6, lines 45-55), and identifying the bid having the highest composite score (col. 6, lines 45-55) (claims 1 and 13);

Receiving a designation of the participants who may submit bids to the auction (col. 6, lines 15-20 and 45-58) (claims 2 and 14);

Sending a notification to each of the participants based on the received designation (col. 6, lines 56-58) (claims 3 and 15);

At least one of the selected categories is set to a value provided by the sponsor (col. 5, lines 25-45) (claims 4 and 16);

At least one of the selected categories set to a value provided by the sponsor relates to an evaluation of the participant by the sponsor (col. 6, lines 35-58) (claims 5 and 17);

The plurality of categories include a price, a distance, a quality, a volume and a lead time (col. 5, lines 25-45) (claims 6 and 18);

Notifying the participant having the bid identified as having the highest composite score (col. 6, lines 56-58) (claims 7 and 19);

The information for setting the composite score further comprises a selection of at least three of the plurality of categories as evaluation criteria for the bid (col. 5, lines 25-45) (claims 8 and 20);

The information in the bid includes values corresponding to the selected categories (col. 6, lines 20-45) (claims 9 and 21);

The calculating of a weighted value for each one of the selected categories comprises: scaling the values included in the information in the bid with the parameters set for each of the selected categories (col. 6, lines 26-44), and adjusting the scaled values with the weight specified for each of the selected categories (col. 5, lines 25-45) (claims 10 and 22);

Determining of the score further includes the adjusted values (col. 6, lines 45-55) (claims 11 and 23); and

Receiving values corresponding to the selected categories before the bid is submitted (col. 6, lines 1-4), calculating a weighted value for each one of the selected categories based on the parameters and weight for each of the selected categories and the received values (col. 6, lines 27-55), determining the composite score based on the weighted values for each of the selected categories (col. 6, lines 45-55), and displaying the composite score to the participant from which the values were received (col. 6, lines 45-55) (claims 12 and 24).

The Odom patent also discloses a window in a graphical user interface of a computer of a participant in an auction, comprising:

An auction window, displayed on the graphical user interface of the computer of the participant, operable to display information describing the content of the auction as provided by the sponsor (col. 3, lines 24-27), a composite score window operable to display at least two of a plurality of categories selected as evaluation criteria for a bid (col. 5, lines 46-48), a value entered for each of the selected categories (col. 6, lines 27-44), and a composite score calculated according to the values entered for each of the selected categories (col. 6, lines 45-55), parameters set for each of the selected categories (col. 6, lines 27-55), and a weight specified for each of the selected categories, wherein the composite score is calculated based on the respective weight for each of the selected categories (col. 5, lines 25-45) (claim 25);

The composite score window is further operable to display an indication of the weight specified for each of the selected categories (col. 6, lines 27-55) (claim 26);

The composite score window is further operable to display a score corresponding to the highest calculated composite score and a score corresponding to values most recently submitted by a participant of the auction (col. 6, lines 27-55) (claim 27); and

The composite score is displayed before the values are submitted to the auction (col. 6, lines 27-55) (claim 28).

The Odom patent lacks:

Receiving score computation information, at an auction system computer, for computing respective composite scores for respective bids submitted to the auction, the score computation information for computing a composite score comprising:

Art Unit: 3624

a selection of a plurality of categories as evaluation criteria for the bid, setting of parameters for each of the selected categories, a weight specified for each of the selected categories (Claims 1 and 13); and

a composite score calculated according to the values entered for each of the selected categories, parameters set for each of the selected categories, and a weight specified for each of the selected categories, wherein the composite score is calculated based on the respective weight for each of the selected categories (claim 25).

The Ben-Meir et al. patent teaches:

Receiving score computation information, at an auction system computer, for computing respective composite scores for respective bids submitted to the auction (Ben-Meir, [0096]), the score computation information for computing a composite score comprising:

a selection of a plurality of categories as evaluation criteria for the bid ([0096]), setting of parameters for each of the selected categories ([0096]), a weight specified for each of the selected categories ([0096]) (Claims 1 and 13); and

a composite score calculated according to the values entered for each of the selected categories ([0096]), parameters set for each of the selected categories ([0096]), and a weight specified for each of the selected categories, wherein the composite score is calculated based on the respective weight for each of the selected categories ([0096]) (claim 25);

Art Unit: 3624

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Odom patent with the teachings of the Ben-Meir application so as to eliminate inappropriate bids quickly and easily.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Bezos patent is directed to a electronic commerce system that uses bid scores.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Art Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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